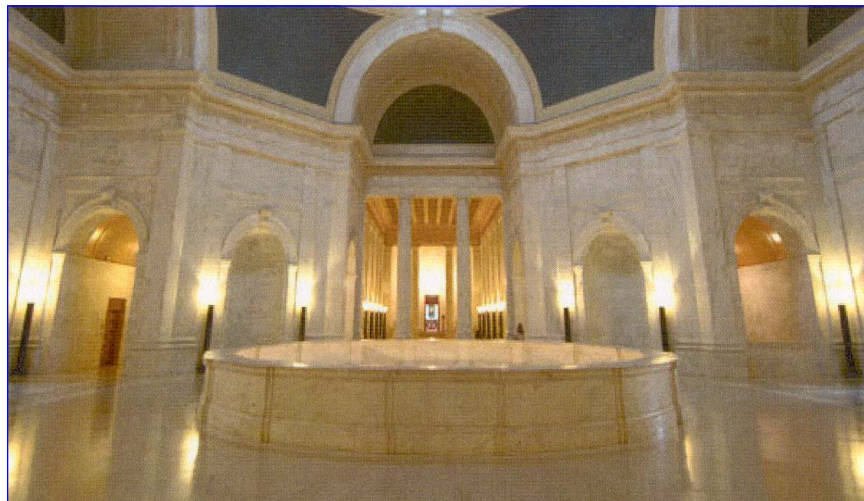




## **A Guide to Lobbying in West Virginia**



### **WV Ethics Commission**

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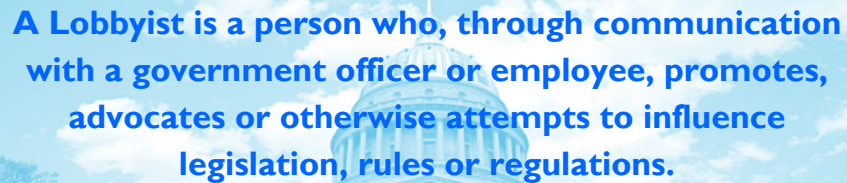
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***This guide is intended to provide basic information on the laws relating to lobbying in West Virginia. The guidance provided is not intended to be exhaustive. Please contact the Ethics Commission staff if you need additional clarification or if you have questions regarding the application of the Ethics Act in particular circumstances.***

## CONTENTS

Lobbyist defined	4
Who must register	4
Lobbyist directory	4
Training requirements	5
Registration	5
Forms and requirements	5
Lobbyist Activity Reports	6
Due dates/fines	7
Forms	7
Group Entertainment	8
Audits	9
Gifts	9
Complaints	9
Advice & Advisory Opinions	10
Grass Roots Lobbying	10
Frequently asked questions	11
Appendix	17



**A Lobbyist is a person who, through communication with a government officer or employee, promotes, advocates or otherwise attempts to influence legislation, rules or regulations.**

**(W.Va. Code § 6B-3-1)**

## **Registering as a Lobbyist**

### **Who must register**

Persons who lobby the West Virginia Legislature or West Virginia State regulatory agencies must register as lobbyists with the West Virginia Ethics Commission if they:

- (1) receive compensation for lobbying, or
- (2) spend money on a public servant in furtherance of their lobbying activities.

### **Exemptions from registration**

The following persons are exempt from registration and reporting **unless** they engage in activities that would otherwise require them to register as lobbyists.

- (1) Persons who limit their lobbying activities to attending receptions, dinners, parties or other group functions, and make no expenditures in connection with such lobbying.
- (2) Persons who lobby without compensation or other consideration for acting as lobbyists, **and**, whose total expenditures in connection with such lobbying do not exceed \$150.00 during any calendar year.
- (3) Persons who limit their lobbying activities to appearing before public sessions of committees of the legislature or public hearings of state agencies.
- (4) Persons who lobby **without compensation** on behalf of a non-profit organization and, who restrict their lobbying activities to no more than twenty days or parts thereof during any regular session of the legislature and make no expenditures.

## When to register

Lobbyists may register anytime. However, registration must be completed before lobbying. All lobbyist registrations expire at the end of each even-numbered year and must be renewed before engaging in lobbying in the new year. All registration requests are processed and identification credentials issued after receipt of complete application materials.

## Lobbyist Directory

Lobbyists registered by December 1, will be included in the Directory of Registered Lobbyists published each January. The directory includes photos of each lobbyist, their contact information, and the names of the employers or organizations represented by the lobbyists. This information is also published on the Ethics Commission website.

## Training is required

According to W.Va. Code § 6B-3-3c, a lobbyist must undergo some type of training prior to lobbying and within 90 days of registration. Training



sessions for lobbyists and prospective lobbyists will be held at least twice per year. Lobbyists may satisfy their training requirements by viewing a DVD obtained from the Ethics Commission. However, lobbyists are encouraged to attend live training sessions if at all possible.

At least one formal training session is held during the month of January. To maintain a valid registration, lobbyists must complete one training course per registration cycle. Training dates and information are posted on the website at [www.wvethicscommission.org](http://www.wvethicscommission.org).

## Registration forms

Registration forms are available at the Ethics Commission office at 210 Brooks St., Suite 300, Charleston WV 25301. Forms are also available from the Commission's website at [www.wvethicscommission.org](http://www.wvethicscommission.org)

Lobbyists may register by mail or in person at the Ethics Commission Office. There is no provision for online registration at this time.

There are two main forms used in the registration process. One form handles **Lobbyist Registration** and another **Employer Representation**.

Only forms with an original signature are accepted; facsimile filing is not

accepted. There is no provision for electronic registration at this time. Incomplete or incorrect applications will be returned and lobbying privileges delayed.

## Cost

To register, the lobbyist must present the completed registration form and pay a \$100.00 base registration fee (credit card, check or money-order). Lobbyists must file a separate form and pay an additional registration fee of \$100.00 for each employer or organization represented.

## Photo required

Lobbyists must also provide a passport-type 2"x 2" photo. The photo may be submitted electronically or by mail along with the completed registration forms. The photo is for publication in the lobbyist directory and for identification credentials which are issued when all registration requirements are met. The \$100.00 base registration fee and photo are submitted only once during a registration cycle.

# Lobbyist Activity Reports

All lobbyists currently registered with the WV Ethics Commission must file triennial Lobbyist Activity Reports. The reports show whether or not the lobbyist has been lobbying. Reports must be filed even though the lobbyist has not been actively lobbying or no money was spent.

## Forms for reporting

Reporting forms and instructions are mailed to each registered lobbyist approximately two weeks before the reports are due. They are also available to download from the Commission's website [www.wvethicscommission.org](http://www.wvethicscommission.org).



Lobbyists are responsible for notifying the Commission in writing of any changes in their mailing addresses or representations.

## Due-dates for reports

- (1) **May 15** - covers the months of January, February, March, and April
- (2) **September 15** - covers the months of May, June, July, and August
- (3) **January 15** - covers the months of September, October, November, and December

## Late reports

Due dates are strictly enforced and fines of \$10.00 per day levied for late filing. (\$250 maximum) Facsimile reporting is not permitted. Once fines are assessed, unless the lobbyist pays the fine within 10 days, his /her lobbying privileges are suspended. If unusual and unique circumstances caused the lobbyist to file late, then a written request to reduce or waive the fines may be made to the Commission relating the circumstances. The Commission will review the request at its monthly public meeting and make a decision to reject the request, or to reduce or forgive the assessed fine. All reports and exemption requests are public information.

## Multiple employers

Lobbyists with more than one employer report expenditures incurred on behalf of each employer by category. The report form provides for recording expense categories for up to six different employers. If more than six employers are represented, then additional reporting forms must be completed. Additional forms are available from the Commission.

## What to report

All expenditures made by the lobbyist or by his or her employer on legislators, government officials or employees, in furtherance of lobbying activities, are reportable expenses. This includes personal political contributions made to incumbents or to successful candidates for state office.

**DO NOT REPORT** personal compensation, reimbursement for personal meals, lodging, travel or office support expenses paid to the lobbyist.

Lobbyists are subject to random audits and are responsible for keeping records for all lobbying expenditures, whatever the amount, for two years from the date reports are filed.

All sections of the reporting form must be completed. When no expenditures are made, indicate by entering "\$0.00."

## Schedules A & B and ‘First Dollar’ expenditures

**All** expenditures that relate to a person on whom the lobbyist has spent any money must be reported. This is referred to as ‘First Dollar’ reporting. For registered lobbyists there is no dollar amount below which spending is not reported. Expenditures on specific individuals and groups are detailed on separate forms called Schedules A & B. These “detail” forms, in addition to the regular reporting form, are completed and filed when money is spent on lobbying.

**Schedule A-**The name of the official or employee, the subject of the lobbying activity and the total amount of the expenditure are reported on Schedule A. Totals from this form are then posted on the regular lobbyist reporting form.

**Schedule B-** This form is used when money is spent either by lobbyists or employers for hosting specific group entertainment events or functions. Totals are then posted to the regular lobbyist reporting form. (See Group Entertainment explained below.)

## Filing the report

All sections of the reporting form must be completed. When no expenditures are made, indicate by entering “\$0.00.”

The reporting forms must be completed, signed by the lobbyist, and returned to the WV Ethics Commission by the due date on the form. The postmark date represents timely filing. The original signed report form must be filed by mail or in person; facsimile filing is not permitted. There is no provision for electronic filing at this time.

Lobbyists who fail to file a required report will accrue late filing fees of \$10 for each day the report is late. (Maximum \$250). Lobbyists who fail to report or pay assessed fines will have their lobbying privileges suspended by the Ethics Commission. Lists of delinquent and suspended Lobbyists are sent to the Clerks of the House and Senate and posted on the Commission’s website.

## Group Entertainment

“**Group Entertainment**” as used in the Lobbyist Activity Report has a special meaning. It **does not** apply to every group or every function that involves several people.

The group entertainment category is used to report only those



expenditures on a dinner, party or other function to which all members of one of the following groups have been invited.

- (1) the Legislature
- (2) either house of the Legislature
- (3) standing or select committees of either house
- (4) a joint committee of both houses.



The total cost of a group entertainment event must be fully disclosed on Schedule B. Only the portion of the total amount spent on public servants is reported as a part of and included in the total lobbying expenditure.

This reporting format requires the lobbyist to make a reasonable estimate of the number of public officials or legislators present at the group function and to calculate the amount actually spent on them at the function.

If lobbyists sponsor or share expenses for several group events, they must report each event separately.

## **Audits and record keeping**

All registered lobbyists are subject to random audits to determine if they have properly completed their Lobbyist Activity reports and retained the supporting receipts and other documentation. No lobbyist is subject to a random audit more than once in any 24-month period. Audits are conducted by a professional CPA contracted by the Ethics Commission. The “look-back” time for lobbyist records and information subject to audit is two years.

## **Complaints**

A lobbyist who fails to comply with the Ethics Act may be the subject of an Ethics Complaint. If found guilty of violating the Act, then the lobbyist may be subject to sanctions which include up to a \$5,000.00 fine per violation.

## **Gifts**

Both lobbyists and public servants must know what gifts are acceptable.

There are significant restrictions on gifts which a public official or employee may accept. The most common acceptable gifts are: legal campaign contributions; meals and beverages; gifts of nominal value that do not total more than \$25.00 for any one year; ceremonial gifts or awards with insignificant monetary value; trivial items of informational value; and payment of reasonable food, travel and lodging so that a public servant may speak or participate in a panel discussion at a meeting. Please call the Ethics Commission if you have any questions on what gifts may be given or accepted. See 'Gift Guidelines' in the appendix of this booklet for a more complete explanation on the solicitation and acceptance of gifts.

## Advice and Advisory Opinions

Registered lobbyists may call the Ethics Commission to determine whether a proposed course of action or expenditure complies with the Ethics Act. The Ethics Commission staff can answer the majority of the questions based upon Commission precedent. For those questions for which an answer is not readily available, a written request for a formal advisory opinion may be made to the Ethics Commission. The question will be addressed and a formal answer given. A written advisory opinion gives the person seeking the opinion and anyone who is similarly situated an absolute defense to an Ethics Commission complaint and criminal charges for actions taken in good faith reliance on the opinion.

## Grass Roots Lobbying

A **grass roots** lobbying campaign is a program addressed to the public, a substantial portion of which is intended primarily to influence legislation.

Grass roots lobbying efforts are directed to the public rather than legislators or other government policy makers. Only campaigns designed to influence legislation by the West Virginia Legislature are covered. Efforts to influence local or federal legislation are not covered.

Often the campaign will rely heavily, if not exclusively, on newspaper, radio, T.V. or billboard advertising. Depending on the cost, the creation and distribution of handbills, or the purchase of a single newspaper ad could constitute a grass roots lobbying campaign.

Any person or organization that conducts a grassroots campaign must register with the Ethics Commission if the Campaign expenses exceed \$200 in one month or \$500 in a three month period. Registration of the campaign

must be made within 30 days of making the expenditures described above.

Sponsors must register with the WV Ethics Commission. There is no charge for registering a grass roots campaign. Grass roots campaigns and legislative lobbyist registration are independent of each other. Each requires separate registration and reporting.

Forms for registering and reporting grass roots campaigns are available at the Ethics Commission Office and online at [www.wvethicscommission.org](http://www.wvethicscommission.org)



**1. I work for a non-profit organization. Do I have to pay the full registration fee?**

Yes, there are no exemptions for paying the normal registration fees simply because you are employed by a non-profit.

**2. How do I add or delete an employer if I change jobs?**

Within one week of the change, notify the Ethics Commission by letter or e-mail if you delete an employer or change your address. You must complete an additional Lobbyist Notice of Representation form when you add a new employer, and pay an additional fee of \$100.00 for each represented employer that you add.

**3. How do I end my lobbyist registration and get off the active list?**

If you stop lobbying altogether, you must complete a Termination Form; otherwise you will remain on the active lobbyist list and be responsible for filing reports. Call the Ethics Commission and we will mail you the correct form. It is also on the Commission's website.

**4. Are lobbyist identification badges provided to all lobbyists?**

Yes. In response to a request from Legislative staff, the Commission provides lobbyist ID badges to all registered lobbyists. Badges are mailed or given to all lobbyists upon completion of their registration. At some point, the

Legislature may mandate the use of these ID badges. Until then, use of the ID badges will be a voluntary accommodation of Legislative security concerns.

**5. Will e-mail addresses of lobbyists be available to the public and Legislators?**

Yes. Registration forms have an area to list your e-mail address if you wish to do so. We have had a number of requests to include this information in our Lobbyist Directory. If you do not wish to have your e-mail address made public, do not list it on the registration form.

**6. How do I get a new Lobbyist Directory?**

All registered lobbyists will receive a new directory each February. The directories are mailed to the mailing address you provide on your registration form. If you need to make other arrangements to receive the directory, please call us. You are responsible for advising us of any changes in your mailing address.

**7. How often may a lobbyist be audited?**

According to current legislation, no lobbyist will be subject to a random audit more than once in any 24-month period. Audits are done by a professional CPA contracted by the Ethics Commission

**8. How long must I keep my records?**

For two years from the filing of a statement to which the items relate.

**9. How often will lobbyist training sessions be held? Since I've been a lobbyist for 10 years, do I still have to attend?**

Training sessions for lobbyists and prospective lobbyists will be held at least twice per year. At least one session will be held during the month of January. To maintain your registration, you must complete one training course per registration cycle regardless of how long you've been a lobbyist. Training dates and information are posted on the Commission's website [www.wvethicscommission.org](http://www.wvethicscommission.org).

**10. What about gifts to legislators; may I give any and if so are there any restrictions?**

The Ethics Act prohibits lobbyists from giving a gift to a government officer or employee "in excess of or in violation of any limitations on gifts set forth in [the Act] . . ." If the public servant may not accept a gift, a lobbyist violates the law by giving it. See section on GIFTS.

**11. Will I automatically receive reporting forms before they are due?**

Yes, provided you maintain a CURRENT address with our office. Reports are mailed to all lobbyists at least two weeks before the three due dates each year which are January 15, May 15 and September 15. They may also be downloaded from the Ethics Commission's website at [www.wvethicscommission.org](http://www.wvethicscommission.org)

**12. What happens if I do not file a report?**

If you do not file a report, you will receive a reminder notice. If you still fail to file, you will receive a suspension notice. Until the proper report is filed, you are assessed a late fee of \$10.00 per day up to a maximum of \$250.00. You are not permitted to lobby until the missing report is filed and your fine is paid. The clerks of the Senate and House receive lists of all lobbyists suspended for failure to file a report. Suspended lobbyists are also listed on the Commission's website.

**13. I didn't get the last report because it was mailed to a previous employer and they did not forward it to me. Am I responsible for filing the report on time even if I did not get it?**

Yes. Lobbyists are personally responsible for filing reports on time and keeping their mailing addresses up to date. All lobbyist forms including reporting forms are on the Ethics Commission's website [www.wvethicscommission.org](http://www.wvethicscommission.org). Reports have exactly the same due date each year—January 15, May 15, and September 15.

**14. If my reports are late for a very good reason or because of a situation over which I have no control, are there any provisions for reducing or waiving the assessed fine?**

Yes. All situations of this nature are handled on a case-by-case basis by decision of the Ethics Commission at one of its regular meetings. Any such request must be presented to the Commission in writing..

**15. Do I report political contributions? Do I report any contributions I make to a PAC? If these contributions are personal and not from my company, should I report them?**

Political contributions to **incumbent** candidates and to candidates who have won the general election for state office are reportable. Contributions are reportable for candidates for state office only.

A lobbyist's personal political contributions (those for which he or she is not reimbursed by an employer) are reportable.

Political Action Committee (PAC) contributions are not reported on the lobbyist reports.

**16. I'm planning a dinner and will invite only legislators from my part of the state. Is this considered group entertainment? How should it be reported? Do I need to list the names of everyone who attends?**

This is **not** considered a "group" function as defined in the Act even though you will be entertaining a group of people. The expenses for this occurrence are reportable on Schedule A. It is considered a "meals & beverages" expenditure. The names of all legislators who attend the function must be listed.

**17. I took a legislator out to lunch and spent \$20.00 on the total bill for the two of us. How much do I report, \$10.00 or \$20.00?**

Report only the amount spent on the legislator (plus the appropriate portion of the gratuity). Here you would report \$10.00 plus tip, assuming the costs of the two meals are the same. The name of the legislator **does** have to be listed and reported on Schedule A.

**18. I took three legislators to lunch. I am unsure exactly how much of the bill is attributable to each legislator. How do I report?**

You do not need to make an exact calculation of who consumed what during the meal. You merely need to calculate the total amount expended on the legislators, and divide the bill by three. You will then list each legislator on your Schedule A along with the allocated amount of the bill.

**19. I took a legislator, her spouse and her close friend to dinner. How do I report?**

You would list this expenditure as "Legislator X, spouse, and guest." Use Schedule A. You are required to identify the legislator by name, and you may list the name of the spouse or guest, but it is not required.

**20. Do I include the cost of gratuity (for example a tip to a waiter) when reporting?**

Yes. Tips are considered an integral part of any entertainment or food and beverage expense.

**21. I am at an out of state conference. Legislators are also**

**attending the conference. May I take them golfing?**

Only if the amount of the green fees, cart rental and other attendant expenses are less than \$25.00. This same rule applies for sporting events. A public official may only accept a ticket in excess of \$25.00 to a sporting event when he or she has a ceremonial duty. For example, crowning the homecoming queen at a football game is considered a ceremonial duty. This exception only applies in limited circumstance. Call the Commission for guidance before you offer free tickets to a public servant for performing a ceremonial duty.

**22. What if I forget to report something?**

File an amended report within a reasonable time of the discovery of your omission. There are no late fees associated with amended forms.

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## Appendix

Gift Information	18,19
Sample Lobbyist forms	
Registration Form	20
Representation Form	21
Schedule A	22
Schedule B	23
Report form	24
Termination form	25

## WEST VIRGINIA ETHICS ACT - GIFT GUIDELINES

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### SOLICITATION OF GIFTS

**GENERAL RULE:** A public official or employee may not solicit a gift unless the solicitation is for a charitable purpose.

The Ethics Act states that public servants may not solicit a gift, unless it is for a charitable purpose from which they and their immediate family members derive no direct personal benefit. They may not directly solicit a subordinate for any gift - not even a gift for a charitable purpose. The Act's prohibition against solicitation of gifts does not apply to solicitation of political contributions. However, WV Code 3-8-12(h) dealing with the regulation and control of elections provides "No person shall solicit any [political] contribution from any nonelective salaried employee of the state government or of any of its subdivisions."

### ACCEPTANCE OF GIFTS

**GENERAL RULE:** There are significant restrictions on the gifts which a public official or employee may accept.

The Ethics Act places restrictions upon the acceptance of gifts from lobbyists or interested persons. Interested persons are those who:

- Seek or do business with the public servant's agency;
- Are engaged in activities regulated or controlled by their agency; or,
- Have financial interests which may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of their official duties.

Certain gifts may be accepted, even if the gift is from a lobbyist or interested person. An overview of acceptable gifts is provided on page two.

### REPORTING OF GIFTS

The Ethics Act requires that the following individuals must file a financial disclosure form: (1) all elected statewide and county officials, and in some instances municipal elected officials if the municipality has elected by ordinance to be covered by the disclosure provisions; (2) all members of state boards, commissions and agencies appointed by the governor, and, (3) executive branch secretaries of departments, commissioners, deputy commissioners, assistant commissioners, directors, deputy directors, assistant directors, department heads, deputy department heads and assistant department heads. If you file a financial disclosure form, on the form there is a section entitled gifts. You must disclose all gifts, including meals, which are more than \$ 100.00, received from a person having a direct and immediate interest in a governmental activity, and are not required to be reported by a lobbyist. For example, if a constituent, who is not a lobbyist, takes you to dinner, and the value of your dinner is more than \$ 100.00, then you must report the name of the individual who took you to dinner.

## GIFTS THAT MAY BE ACCEPTED

<b>Meals and Beverages</b>
There is no monetary limitation on the value of a meal or beverage. For example you can either accept a hot dog at the ball park or dinner at the Greenbrier. The only limitation is that the interested party must be present. Gift certificates for meals are not acceptable.
<b>Ceremonial Gifts or Awards of Insignificant Value</b>
There is no monetary limit placed on a ceremonial gift or award as long as it is reasonable and the gift has an overriding intrinsic, as opposed to fair market value. The gift must be given for a ceremonial purpose. For example the Commission has ruled that commemorative plaques as gifts had an insignificant value even though they cost \$ 35.00 to \$ 40.00 each. Likewise most plaques or gifts which are personalized with an engraving have an insignificant value as they have no real fair market value due to the personalization.
<b>Gifts of Nominal Value</b>
These gifts are permissible provided that the total value of any one item or items given to a public official or employee do not total more than \$25.00 for any one year. For example, you could accept a t-shirt and a coffee mug provided that the items, when totaled together, do not cost more than \$ 25.00. Once again the \$ 25.00 limitation does not apply to meals when the person purchasing the meal is present.
<b>Reasonable expenses for food, travel and lodging of the official or employee for a meeting at which the official or employee participates in a panel or speaking engagement at the meeting.</b>
If you are speaking at an event or are a member of a panel, then you may accept reasonable expenses for food, travel and lodging. You cannot accept expenses for amenities at the event such as free golf or spa treatments, unless these amenities are part of the room package for all guests staying at the hotel. The Commission has also held that you may accept reasonable expenses for your spouse or significant other to attend.
<b>Free tickets to charitable, cultural or political events. These tickets are acceptable when the purpose of such gift or admission is a courtesy or ceremony customarily extended to the office.</b>
There is no limitation on the value of a ticket to a charitable, cultural or political event. The test is whether public officials are customarily invited. An example would be a concert (a cultural event) given annually by a local community band. If the local community band or a <u>person or company sponsoring</u> the event customarily provides tickets to elected or appointed officials, then you may accept. This rule does not apply to sporting events.
<b>Sporting events</b>
You may accept a free ticket to a sporting event if the ticket is less than \$ 25.00. If the price of entrance is greater than \$ 25.00 you may only accept a ticket if the ticket is incidental to the conduct of your <u>official or ceremonial</u> duties. For instance, if you are asked to crown the homecoming queen or throw out the opening ball, then you can accept a ticket as you are performing a ceremonial duty.
<b>Purely private and personal gifts and gifts from relatives ARE acceptable.</b>

WV Ethics Commission  
 210 Brooks Street, Suite 300, Charleston WV 25301  
 304-558-0664

(Revised 12/2005)      [www.wvethicscommission.org](http://www.wvethicscommission.org)      e-mail: [ethics@wv.gov](mailto:ethics@wv.gov)

Return this completed form and all attachments to:  
**WV Ethics Commission**  
 210 Brooks Street, Ste 900  
 Charleston WV 25301  
 Phone: 304.686.2882

(LRS-1)

## REGISTRATION West Virginia Lobbyist 2009-2010



This registration is valid through end of 2010. Registration no. \_\_\_\_\_  
 (assigned by Ethics Commission)

**Important filing requirements for the lobbyist**

Payment to the WV Ethics Commission for \$100.00 for your base lobbyist registration fee. Paid by check  or CCard

Recent passport-type photo, approximately 2 x2 to create a photo ID and to publish in the lobbyist directory. Attached  or Electronic

A separate Representation Form for each entity that you represent plus an additional fee of \$100.00 per entity.

Mark here if this form amends earlier information supplied by you. Please indicate the changes or additions you wish to make to your registration or representation information. If you are terminating your registration or your representation for a client or clients, please attach a completed Termination Report to this form.

### 1. Lobbyist contact information (please print clearly)

Name: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_

Email: \_\_\_\_\_ Fax: \_\_\_\_\_

Alternate Phone \_\_\_\_\_

Name to use on Lobbyist ID Badge: \_\_\_\_\_

**Please provide complete address information. Check the box next to your preferred mailing address**

Business Address (required) \_\_\_\_\_ phone: \_\_\_\_\_

\_\_\_\_\_

Home Address: (required) \_\_\_\_\_ phone: \_\_\_\_\_

\_\_\_\_\_

**Legislative Session address (if different)**

Business Address: \_\_\_\_\_ phone: \_\_\_\_\_

\_\_\_\_\_

Other address: \_\_\_\_\_

### 2. Representations

List all employers or entities for which you are registering to lobby. A separate Representation form must accompany this form for each listed employer, organization or entity that you represent. You may add additional Statements of Representation any time after your initial registration. Each representation requires a fee of \$100.00

1. _____	2. _____
3. _____	4. _____
5. _____	6. _____
7. _____	8. _____
9. _____	10. _____

### 3. Persons employed by lobbyist to lobby (if any)

\_\_\_\_\_

### 4. Lobbyist certification and signature

To the best of my knowledge, the information contained hereon and on any attached materials is true, correct and complete. I understand that if it is a violation of WV Code 6B-3-9 to willfully and knowingly file a false or incomplete report. I further understand that if I am convicted of such an act, I can be fined, sentenced to jail or both. I have read the information on Page 2 of this form.

Lobbyist Signature \_\_\_\_\_ Date \_\_\_\_\_

WV Ethics Commission  
210 Brooks St., Suite 300  
Charleston WV 25301  
304-558-0664

## Lobbyist REPRESENTATION West Virginia 2009-2010



(LREP-2)

Important: This Representation Statement is valid through 2010 unless cancelled, changed or amended in writing before that time.

Note: All questions must be completed or the form will be returned.

Important information  
A fee of \$100.00 and this completed Representation form is required for each entity that you represent as a lobbyist.  
Paid by check  credit card  (This is in addition to the base lobbyist registration fee of \$100.00)  
Is this your initial registration? A completed Lobbyist Registration (LRS-1) must accompany this form.  
Is this an additional representation? An Amended Lobbyist Registration Statement must accompany this form.

### 1. Lobbyist name as listed on Lobbyist Registration form (form LRS-1)

Lobbyist name \_\_\_\_\_ Registration number (if known) \_\_\_\_\_  
Email: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

### 2. Represented Employer, Organization or Association

► Name \_\_\_\_\_  
Complete name of represented Employer, Organization or Association  
► Mailing address: \_\_\_\_\_ phone: \_\_\_\_\_  
\_\_\_\_\_ fax: \_\_\_\_\_  
► Occupation or type of business: \_\_\_\_\_  
► Provide a general description of the subjects, topics or issues which will be the focus of lobbying efforts  
\_\_\_\_\_  
\_\_\_\_\_

### 3. Lobbyist information

► Check only one: \_\_\_\_\_ Retained solely as lobbyist  
\_\_\_\_\_ Unpaid volunteer  
\_\_\_\_\_ Regular employee, services include but are not limited to lobbying  
► Is the lobbyist employed or retained under any agreement, arrangement or understanding by which any compensation paid to the lobbyist is contingent upon the success of his or her lobbying activity?  
Yes \_\_\_\_\_ No \_\_\_\_\_ Not applicable \_\_\_\_\_

### 4. Employer certification

I certify that the lobbyist named above is authorized to lobby on our behalf, and that to the best of my knowledge, this Statement of Representation is true, correct and complete. I have read the additional information on page 2 of this form.  
Authorized Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Type or print name: \_\_\_\_\_ Title: \_\_\_\_\_  
Email address: \_\_\_\_\_



**Schedule B: Group Entertainment & Shared Expenses**  
 (Please attach this completed sheet to the WV Lobbyist Activity Report)

**Instructions:** *Group Entertainment* functions include only the functions which fall within the following groups. Report expenditures for a dinner party, reception or other similar function if you invited ALL members of any of these four specific groups. Individual names of attendees do not need to be listed for these four specific groups.

- 1. the Legislature
- 2. a standing or select committee of either house
- 3. either house of the Legislature
- 4. a joint committee of both houses

Lobbying expenses for entertainment of "OTHER" group events should be reported in the "Meals & Beverages" category on the Lobbyist Activity Report. Names of attendees may be listed on this form or you may attach additional information pages. If using this form, report the names in item 5 below, as well as other event information requested in items 1 through 4 and complete the Section B calculations.

Use the worksheet below to figure the amount spent on legislators and other government officials and employees for each "event". Enter this amount on the attached Lobbyist Activity Report in the appropriate category.

Each group event should be listed separately. Make additional copies of *Schedule B* if necessary. Total expenditures for each group event are to be recorded below. You must then calculate and post on the Lobbyist Activity Report only the amount actually spent on public officials. If you are sharing expenses with another reporting lobbyist or organization, report only your share of the expenses and indicate the co-sponsors in SECTION C of the worksheet detail below.

**SECTION A: EVENT INFORMATION:**

1. Date of event: \_\_\_\_\_ Location: \_\_\_\_\_

2. Type of event (reception, dinner, etc.): \_\_\_\_\_

3. Event sponsor: \_\_\_\_\_ (Note: If you shared the sponsorship and expenses with others, you must also complete Section C below.)

4. Which of the following governmental groups were invited? All members of:  
 \_\_\_\_\_ a. the Legislature                      \_\_\_\_\_ c. a standing or select committee of either house  
 \_\_\_\_\_ b. either house of the Legislature      \_\_\_\_\_ d. a joint committee of both houses

OR

5. \_\_\_\_\_ OTHER: If not one of the four specific groups listed above, you must list the names of all public employees or public officials in attendance here or on an attachment to this form. List attendees here: \_\_\_\_\_

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**SECTION B: CALCULATE REPORTABLE EXPENSES**

1. \_\_\_\_\_ ÷ \_\_\_\_\_ = \$ \_\_\_\_\_  
 (total cost of event) / (total attendance)      (per capita cost)

2. Number of government officials  
 or employees in attendance: \_\_\_\_\_ × \_\_\_\_\_ equals = Box 1  
 (government attendees) × (per capita cost)

If this was a true Group Entertainment event and you were the sole sponsor, report the amount above as Group Entertainment on the Lobbyist Activity Report. If you shared expenses with others, complete section C below, and report only your portion of the cost.  
 Note: If the above group expenditure was classified as "OTHER", it should be reported in 5A as a Meals & Beverages expense.

**SECTION C: SHARED SPONSORSHIP EXPENSES**

1. Were any other Lobbyists co-sponsors of this event? \_\_\_\_\_ (Yes or No)

2. If yes, with how many others are you sharing the cost? \_\_\_\_\_ List the names of all sponsors below:

3. What is your share of Box 1 above? \$ \_\_\_\_\_ Box 2

Record that amount in Box 2 and on the Lobbyist Report in the appropriate section.



**West Virginia Ethics Commission  
Lobbyist Activity Reporting 2008**

Return to:  
WV Ethics Commission  
210 Brooks St., Suite 300  
Charleston WV 25301  
304-558-0664

- This report 2008-1 covers: 1/1/08 – 4/30/08 and is due 5/15/08
- This report 2008-2 covers: 5/1/08 – 8/31/08 and is due 9/15/08
- This report 2008-3 covers: 9/1/08 – 12/31/08 and is due 1/15/09

**Warning!** Late reporting will generate late filing fees of \$10 for each day the report is late (\$250 maximum)

**1. Did you engage in lobbying during this reporting period?**  
 No \_\_\_\_\_ Go to bottom of page and sign section 6.  
 Yes \_\_\_\_\_ Complete all remaining questions on this form and sign section 6. Attach schedules A and B as necessary.

**Lobbyist name and address:**  
 Name: \_\_\_\_\_ phone: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Address: \_\_\_\_\_ email: \_\_\_\_\_  
 City, State, Zip \_\_\_\_\_

**2. List all Employers(s) / Organizations(s) you represent as a lobbyist.**  
 1. \_\_\_\_\_ 4. \_\_\_\_\_  
 2. \_\_\_\_\_ 5. \_\_\_\_\_  
 3. \_\_\_\_\_ 6. \_\_\_\_\_

**3. Lobbying Activity:**

**4. Expenditures**  
 A. Did you spend any money on any public official, employee or member of their immediate family? YES \_\_\_\_\_ NO \_\_\_\_\_  
 If YES, complete *Schedule A* and attach to this report.  
 B. Did you sponsor or contribute to any group event or entertainment? YES \_\_\_\_\_ NO \_\_\_\_\_  
 If YES, complete *Schedule B* and attach to this report.  
 Are you attaching a *Schedule A*? \_\_\_\_\_ Are you attaching a *Schedule B*? \_\_\_\_\_

**5. Total of all Expenditures from Schedule A and Schedule B: If none mark here \_\_\_\_\_**  
 Report all expenditures made by you and/or your employer on government officials and employees or members of their immediate families in furtherance of your lobbying activities. Do not report your compensation as a lobbyist or expenditures by you and/or your employer on your personal meal, lodging travel or office support expenses.

		For more than one employer show the appropriate amount of expense for each.						
		Total Expended	Empl 1	Empl 2	Empl 3	Empl 4	Empl 5	Empl 6
A.	Meals and Beverages	\$						
B.	Lodging	\$						
C.	Advertising	\$						
D.	Travel	\$						
E.	Contributions	\$						
F.	Gifts	\$						
G.	Other Expenses	\$						
H.	Group Expenditures (\$ from Schedule B)	\$						
I.	<b>TOTAL of all expenditures</b>	\$						

**6. Lobbyist Certification:** To the best of my knowledge, the information contained hereon and on any attached materials is true, correct and complete. I understand that it is a violation of WV Code 6B-3-9 to willfully and knowingly file a false or incomplete report. I further understand that if convicted of such an act, I can be fined, sentenced to jail or both.

Lobbyist Signature: \_\_\_\_\_ Date: \_\_\_\_\_



Return to :  
 WV Ethics Commission  
 210 Brooks St. Ste 300.  
 Charleston WV 25301  
 (304) 568-0664  
 www.wvethicscommission.org

## West Virginia Lobbyist Termination Notice

Final Reporting Period dates: \_\_\_\_\_ through \_\_\_\_\_  
 (January 1 or date of last report) (Final lobbying date)

I am completely terminating my full lobbyist registration and will no longer lobby in WV.  
 [or]  I am terminating only the employer listed in #2 below.

**1. LOBBYIST NAME** (Please PRINT CLEARLY or TYPE. Indicate if address change for future mailings ☐)

Print name: \_\_\_\_\_ E-mail: \_\_\_\_\_ phone: (\_\_\_\_) \_\_\_\_\_  
 Preferred mailing address: \_\_\_\_\_

**2. REPRESENTED EMPLOYER(S) / ORGANIZATION(S)**

1. \_\_\_\_\_ 4. \_\_\_\_\_  
 2. \_\_\_\_\_ 5. \_\_\_\_\_  
 3. \_\_\_\_\_ 6. \_\_\_\_\_

**3. LOBBYING ACTIVITY**

Describe the subject matter of the lobbying activities in which you have engaged during this year.  
 \_\_\_\_\_  
 \_\_\_\_\_

**4. EXPENDITURES [ if no expenditures, put '\$0.00' in Total Expended column ]**

Report all expenditures made by you and/or your employer on government officials and employees in furtherance of your lobbying activities. Do not report your compensation as a lobbyist or expenditures by you and/or your employer on your personal meal, lodging, travel or office support expenses.

For more than one employer show the appropriate amount of expense for each.

	Total Expended	Emp 1	Emp 2	Emp 3	Emp 4	Emp 5	Emp 6
A Meals & Beverages	\$						
B Lodging	\$						
C Advertising	\$						
D Travel	\$						
E Contributions	\$						
F Gifts	\$						
G Other Expenditures	\$						
→ → Before posting your Group Entertainment expenditures below, refer to instructions on the work sheet. ← ←							
H Group Entertainment (Box A or B on worksheet)	\$						
I TOTAL Expenditures	\$						

**5. EXPENDITURES - Attaching Schedules A & B**

Did you spend any money on any public officials or employees?  YES  NO  
 If YES, see Schedule A or B to determine how to report expenditures. )  
 Are you filing a SCHEDULE A or B with this report?  YES  NO

**6. LOBBYIST'S CERTIFICATION and SIGNATURE**

To the best of my knowledge, the information contained hereon and on any attached materials is true, correct and complete. I understand that it is a violation of WV Code 6B-3-9 to willfully and knowingly file a false or incomplete report. I further understand that if I am convicted of such an act, I can be fined, sentenced to jail, or both.

Lobbyist signature : \_\_\_\_\_ Date: \_\_\_\_\_





**WV Ethics Commission  
Lobbyist Registrar**

210 Brooks St. Suite 300  
Charleston WV 25301  
phone (304) 558-0664  
toll-free (866) 558-0664  
fax (304) 558-2169  
[ethics@wv.gov](mailto:ethics@wv.gov)